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MUNICIPAL CORPORATIONS—SIDEWALKS—ICE CAUSED BY DRAINAGE FROM AWNING—AWNING NOT A NUISANCE.—A motion picture theatre had constructed an awning in such a manner that water drained from the awning onto the edge of the sidewalk. The plaintiff was injured by falling on ice which had frozen from this water. In an action against the city, *held*, that the awning was not such a nuisance that the city was bound to remove it. *Maine v. City of Des Moines*, (Iowa, 1921) 181 N. W. 248.

Where a city by its own act negligently permits water to collect and freeze on its walks, it is liable for injury proximately resulting to pedestrians. *Holbert v. Philadelphia*, 221 Pa. 266, (failure to keep a sidewalk under a viaduct properly drained); *Walsh v. New York*, 109 App. Div. 541, (leaky hydrant adjacent to a sidewalk). But generally the city cannot be held where the injury results from the act or omission of the abutting owner. *Hanrahan v. Chicago*, 145 Ill. App. 38, (awning falling on the plaintiff). But the city may be liable where it negligently allows the abutting owner to retain a nuisance, as where the abuttor's awning was constructed so near to the curb that a truck knocked out the support and caused the awning to fall on the plaintiff. *Mansfield v. New York*, 119 App. Div. 199. And where the city has been compelled to pay damages as a result of the abuttor's act of conveying water onto the sidewalk to freeze, it is entitled to reimbursement from the abutting owner. *New York v. Dimrick*, 49 Hun. 241. See 19 MICH. L. REV. 549. It seems that the abutting owner may be charged whenever he creates a condition which artificially causes water to flow upon the sidewalk and freeze so that the walk is rendered unsafe for pedestrians. *Canfield v. Chicago & W. M. R. Co.*, 78 Mich. 356, (water leaking from a water tank); *Malony v. Hayes*, 206 Mass. 1, (water from the defendant's roof); *Macauley v. Schneider*, 9 App. Div. 279, (water collecting under the abuttor's awning). But the abuttor cannot be charged if the water collected on the walk from natural rather than from artificial conditions. *Greenlaw v. Millikin*, 100 Me. 440.

NEGLIGENCE—ATTRACTIVE NUISANCE.—The defendants had at their station a mechanical moving staircase or escalator worked by an endless band. At the top, the band passed around a wheel where it was open to sight and touch, and was not fenced off or protected. The room was open to the street. There was a ticket collector at the bottom of the staircase and another behind a window in the booking hall. It was common practice for children to play upon the staircase, generally in the evening, by running down as far as they could without being caught by the ticket collector at the bottom. They were always warned off, and a railway policeman whose duty took him into the booking hall twice every hour, always drove the children away. On the evening of the accident, he drove them away, but later, they returned, and with them the plaintiff, a boy of five. The children looked around to see if the policeman was gone, and discovering that he was, commenced to play. Plaintiff caught his hand in the moving stairway and was injured so badly amputation was necessary. In an action for negligence, *held*, the plaintiff was a trespasser, and the defendants are not liable. *Hardy v. Central London Railway Co.*, [1920] 3 K. B. 459.